

1 Amy Ghosh, SBN # 201701  
2 Law Offices of Amy Ghosh  
3 3255 Wilshire Blvd., Suite #1530  
4 Los Angeles, CA 90010  
5 Phone: 213-365-2370  
6 Fax: 213-389-6931  
7 Email: amygesq@gmail.com

5 Attorney for Defendants:  
6 XYRIS ENTERPRISE, INC;  
7 ATKINSON CARE HOME;  
TERESITA CASTANEDA

8 UNITED STATES DISTRCIT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 EDGARDO SEMINIANO

) CASE NO.: CV10 1673 PSG (JEMx)

11 Plaintiff,

) **DECLARATION OF COUNSEL FOR  
DEFENDANTS AMY GHOSH IN  
OPPOSITION TO PLANITIFF'S  
MOTION FOR SUMMARY  
JUDGMENT WITH ATTACHED  
EXHIBITS A-D**

12 vs.

) **Date: Jan 03, 2010**

13 XYRIS ENTERPRISE, INC;  
14 ATKINSON CARE HOME;  
15 MUQUET DADABHOY;  
TERESITA CASTANEDA,

) **Time: 11:00 a.m.**

16 Defendants

) **Department: 10A**

) **Judge: Honorable J. Tucker**

19 I, Amy Ghosh, declare and state as follows:

- 20 1. I am an attorney licensed to practice law in the State of California, and am attorney of  
21 record for Defendants Xyris Enterprise, Inc., Atkinson Care Home, Muquet Dadabhoy,  
22 and Teresita Castaneda.  
23 2. The following facts are within my personal knowledge and if called as a witness, I could  
24 and would competently testify hereto.  
25 3. Around August 7, my office submitted an Initial Disclosure on behalf of Defendant's to  
Plaintiff's Counsel.  
26 4. A deposition was scheduled for August 12, but was continued to September 30, 2010  
27 because Mr. Dadabhoy had a family emergency.

6. The deposition was re-scheduled for September 30<sup>th</sup>, however it was unilaterally cancelled by Plaintiff's attorney without an explanation.
7. I did not receive any discovery requests or requests for admissions from Plaintiff's Counsel, nor any correspondence attempting to meet and confer with regard to any overdue discovery requests.
8. We have cooperated with all disclosure requirements and discovery requests we have received with regard to this matter so far.
9. On November 2, 2010 I received a phone call from Plaintiff's attorney Robert Ronne. During this conversation Mr. Ronne asserted that it was the Judge's instruction at the hearing of November 1, 2010 that causes of actions should be added against Defendants and their attorney, and he threatened that he may have to do that.
10. During this conversation I reminded him that Judge wanted the parties to engage in further settlement discussion. I then invited Mr. Ronne to come to the office, sit face-to-face with all the parties, and talk about the settlement as instructed by the Court, however he refused this offer.
11. The telephone conversation concluded with the understanding that Mr. Ronne was to call the settlement office Carol Medof and set a date for settlement negotiations.

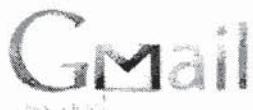
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct,

Executed this December 7, 2010 in Los Angeles, California

Ans Glush

Amy Ghosh, Attorney for Defendants

# EXHIBIT A



Amy Ghosh <amygesq@gmail.com>

## Seminiano v. Xyris

21 messages

**Robert Ronne <rrr55@sbcglobal.net>**  
To: amyghosh@justice.com

**Thu, Apr 8, 2010 at 2:52 PM**

Dear Ms. Ghosh:

I received in the mail from your office a document entitled "Answer to Complaint...", pertaining to the above matter.

As you are no doubt aware, all federal court matters, including this one, are subject to mandatory e-filing. Simply mailing the document to me does not satisfy same. I have not received notice from the court that you have accomplished properly filing, and thus serving, said document.

Please recall that, before your representation of him, your client wrote me asking for an "extension". Because such requires a stipulation and order in federal court, I advised him by responsive letter that I simply couldn't grant same, but that I would not take defendants' defaults until April 12, 2010. While I will still refrain from doing so, as promised, you do need to promptly e-file what you sent to me by mail in order to prevent my requesting a default of defendants on Monday. If you need a *very short* period of time beyond April 12, 2010 to accomplish your e-filing, please provide to me a stipulation and order by tomorrow, noon, along with your agreement to e-file same.

Feel free to contact me ((310) 322-1696) with any questions or concerns.

Thanks, Rob Ronne.

---

**Amy Ghosh <amyghosh@justice.com>**  
To: Robert Ronne <rrr55@sbcglobal.net>

**Thu, Apr 8, 2010 at 4:23 PM**

I am doing the ECF registration so..I can e-file all the documents. I would appreciate if you can grant me an extension till April 25, 2010 as I have take the training in order to be registered with ECF system. I am not in the office tomorrow. I will get you a stipulation by Monday afternoon. Also my clients are willing to resolve this matter amicably. Let me know if you have any realistic settlement proposal.

Thanks,  
Amy Ghosh  
[Quoted text hidden]

---

**Robert Ronne <rrr55@sbcglobal.net>**  
To: Amy Ghosh <amyghosh@justice.com>

**Fri, Apr 9, 2010 at 11:43 AM**

Amy:

Thanks for the reply. I'm not entirely sure what to tell you in this situation. My hope would be that you could complete the training this weekend, at the latest, and file your answer Monday. I suppose we could

try to extend the time by a stipulation and order, and while I am not opposed to proposing to the court additional time for you to answer, even were that the best way to go, if you are not able to e-file the stipulation, that path may not assist us at all in any event.

As to resolution of this case, while I am always open to discussions, I'm not entirely sure what you mean by a "realistic settlement proposal". The numbers set forth in our complaint are fairly conservative, and a judgment exceeding those amounts will ultimately (in my view, more than likely) be entered. Regrettably, it may be defendants who need to become somewhat more realistic.

I look forward to working with you. Please let me know should you wish to discuss any matter of concern to you.

Thanks, Rob.

[Quoted text hidden]

---

**Amy Ghosh <amyghosh@justice.com>**  
To: Robert Ronne <rrr55@sbcglobal.net>

Fri, Apr 9, 2010 at 12:35 PM

I was hoping you can e-file the stipulation.

[Quoted text hidden]

---

**Amy Ghosh <amyghosh@justice.com>**  
To: Robert Ronne <rrr55@sbcglobal.net>

Tue, Apr 13, 2010 at 6:49 PM

I am working to get the authorization to e-file the response. Please let me know about the stipulation. I have not heard back from you since your e-mail of April 09, 2010.

[Quoted text hidden]

---

**Robert Ronne <rrr55@sbcglobal.net>**  
To: Amy Ghosh <amyghosh@justice.com>

Wed, Apr 14, 2010 at 4:59 PM

Amy:

Thanks for the note, and I have not been trying to ignore you. My office received notice from the court yesterday that your filing of defendants' answer was rejected, and returned to you, with instructions.

That led me to believe that the matter is now between you and the court at this point, unless the court asks me to proceed in a different fashion.

My thought is that you to complete the training and file your clients' answer. I've done the training, and that would be just about as easy, and much quicker, than drafting stipulations, etc.

Thanks, Rob Ronne.

---

----- Original Message -----

**From:** Amy Ghosh  
**To:** Robert Ronne

[Quoted text hidden]

Amy Ghosh <amyghosh@justice.com>  
To: Robert Ronne <rrr55@sbcglobal.net>

Wed, Apr 14, 2010 at 5:14 PM

I just did and the answer has been uploaded. ECF helpdesk guy was not calling me back..finally he did yesterday..and everything went fine..I suppose. I just received the ECF notice.

[Quoted text hidden]

---

Robert Ronne <rrr55@sbcglobal.net>  
To: Amy Ghosh <amyghosh@justice.com>  
Cc: d.rihn@att.net

Wed, Apr 14, 2010 at 5:34 PM

O.K. Thanks. I look forward to working with you.

----- Original Message -----

**From:** Amy Ghosh  
**To:** Robert Ronne

[Quoted text hidden]

---

Amy Ghosh <amyghosh@justice.com>  
To: Robert Ronne <rrr55@sbcglobal.net>

Tue, Aug 3, 2010 at 9:39 AM

Mr. Ronne,

My diabetes related complication persists and I have a family emergency and will be out of the country for few weeks. My client Teresita Castaneda also has some health issues so she would not be available for deposition in August. I would like to get the deposition continued preferably in October but want to get the mediation done preferably by end of September. I want to take deposition of your client first or second week of October. Please give me some possible dates for Deposition in October. If we can settle the case in mediation then we do not have to incur additional expenses for discovery.

Thanks,

Amy Ghosh  
Attorney for Xyris et al

[Quoted text hidden]

---

Robert Ronne <rrr55@sbcglobal.net>  
To: Amy Ghosh <amyghosh@justice.com>

Tue, Aug 3, 2010 at 5:12 PM

Amy:

As you know, Plaintiffs have been ready to depose defendants for a long period of time. In that regard, you and I were ultimately able to establish the firm, agreed date of August 12, 2010 for that purpose. For you to now seek to delay further the depositions is neither consistent with our agreement, nor is it consistent with our mutual obligation to prosecute the case promptly.

Please confirm immediately that you and your clients will attend their August 12, 2010 depositions as scheduled.

Thanks, Robert Ronne.

----- Original Message -----

**From:** Amy Ghosh

**To:** Robert Ronne

[Quoted text hidden]

---

Amy Ghosh <amyghosh@justice.com>

Tue, Aug 3, 2010 at 8:34 PM

To: Robert Ronne <rrr55@sbcglobal.net>

As I mentioned, I am leaving for an international trip and will not be back till second week of September. You have to continue the August 12, 2010 deposition to a mutually convenient date in October, 2010. Our trial date is scheduled for next year. We have ample time for discovery. My client also wants to explore the possibility of settlement. When are you planning to have the mediation?

Thanks,

Amy Ghosh

[Quoted text hidden]

---

Robert Ronne <rrr55@sbcglobal.net>

Wed, Aug 4, 2010 at 3:44 PM

To: Amy Ghosh <amyghosh@justice.com>

Amy:

Thank you for your note. Please be advised that we do not agree to suspend the litigation for any period of time at all, let alone for the extended amount of time which you seem to propose. Could you be so kind as to let us know exactly on which date you are departing, and when you will return to your law practice? Also, let us know the name, address and telephone number of the attorney who is covering your practice while you are on your lengthy sabbatical. During your absence, there will almost certainly be pressing matters of litigation which need attention at a time much sooner than you are willing to address them.

For example, we intend to proceed with the depositions before the time frame you have offered, and we will very soon propound written discovery to your clients. Our expectation is that we will receive timely and complete responses to same.

Keep in mind that federal court operates on a different time schedule, and that federal litigation proceeds under a more rigorous regimen of duties than you might be accustomed to in state court matters. An excellent example is the obligation to proceed promptly with all discovery. As you also must know, fact discovery is cut off well before trial, and far sooner than in state court. We don't have the luxury of the delay which you seek to unilaterally impose.

The above issues, coupled with the fact that defendants' initial disclosures (which are now well overdue) have never been provided to us by you, places defendants in an unenviable and precarious position.

I look forward to your promptly providing us with your initial disclosures, to your reaffirmation of our agreement for defendants to appear timely on August 12, 2010 for their depositions, as well as to receiving the requested information concerning your replacement(s) so that we may address any issues with them in your absence, and, if (regrettably) necessary, with the court.

Thanks, Rob Ronne.

P.S. As to the mediation, usually the mediator will tell us when they wish to proceed. Please feel free to contact her office if you feel it would be beneficial to the process.

----- Original Message -----

**From:** Amy Ghosh

**To:** Robert Ronne

[Quoted text hidden]

---

Amy Ghosh <[amyghosh@justice.com](mailto:amyghosh@justice.com)>  
To: Robert Ronne <[rrr55@sbcglobal.net](mailto:rrr55@sbcglobal.net)>

Wed, Aug 4, 2010 at 4:18 PM

Please note that there will be no replacement attorney as I am a sole practitioner nor I am obligated to do so. I am not taking any lengthy sabbatical from the practice. I will forward you copy of my ticket. I currently have tickets to leave on August 23, 2010 and coming back on September 07, 2010. Taking two weeks off is very routine. I will be filing notice of unavailability for those weeks. Because of a medical emergency of my relative whom I am visiting in Geneva, I am trying to get ticket to leave next week. It seems from the tone of your e-mail that you do not believe that I have some emergency situation.

Thanks,  
Amy Ghosh

[Quoted text hidden]

**Amy Ghosh <amyghosh@justice.com>**  
To: Robert Ronne <rrr55@sbcglobal.net>

**Wed, Aug 4, 2010 at 4:48 PM**

I just spoke to my client and his father who lives in England is sick. His uncle in pakistan is also sick. So he is trying to get a ticket for England and Pakistan. I have looked at my calendar and I am available on September 23, 30th and october 07, 2010. Please let me know which dates are convenient for you.

Amy Ghosh

[Quoted text hidden]

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**Robert Ronne <rrr55@sbcglobal.net>**  
To: Amy Ghosh <amyghosh@justice.com>

**Wed, Aug 4, 2010 at 4:50 PM**

Amy:

The goal is not to deny you a professional courtesy. Indeed, I would be happy to grant same. This is a matter of complying with our duties.

From your schedule, it seems clear that you should be able to both provide the (long overdue) disclosures, and attend your clients deposition next week.

Can I assume then that the depositions will go forward as agreed next week, on August 12, 2010?

Can we expect to have our initial disclosure this week?

Thanks Rob.

----- Original Message -----

**From:** Amy Ghosh

**To:** Robert Ronne

[Quoted text hidden]

---

**Robert Ronne <rrr55@sbcglobal.net>**  
To: Amy Ghosh <amyghosh@justice.com>

**Wed, Aug 4, 2010 at 4:52 PM**

Amy:

What about the initial disclosures? Why haven't we received them?

Thanks, Rob.

----- Original Message -----

**From:** Amy Ghosh

**To:** Robert Ronne

[Quoted text hidden]

Amy Ghosh <[amyghosh@justice.com](mailto:amyghosh@justice.com)>  
To: Robert Ronne <[rrr55@sbcglobal.net](mailto:rrr55@sbcglobal.net)>

Wed, Aug 4, 2010 at 5:11 PM

I will send out the initial disclosure this Friday.

Thanks,

Amy Ghosh

[Quoted text hidden]

Robert Ronne <[rrr55@sbcglobal.net](mailto:rrr55@sbcglobal.net)>  
To: Amy Ghosh <[amyghosh@justice.com](mailto:amyghosh@justice.com)>

Wed, Aug 4, 2010 at 5:22 PM

And the depositions?

----- Original Message -----

**From:** Amy Ghosh

**To:** Robert Ronne

[Quoted text hidden]

Robert Ronne <[rrr55@sbcglobal.net](mailto:rrr55@sbcglobal.net)>  
To: Amy Ghosh <[amyghosh@justice.com](mailto:amyghosh@justice.com)>

Thu, Aug 5, 2010 at 2:25 PM

Amy:

I still haven't heard from you definitively about the August 12, 2010 depositions.

It appears from your and your clients' schedules that you are all in town that day.

Can we proceed then? Please let me know today.

Thanks, Rob Ronne.

Amy Ghosh <[amyghosh@justice.com](mailto:amyghosh@justice.com)>  
To: Robert Ronne <[rrr55@sbcglobal.net](mailto:rrr55@sbcglobal.net)>

Thu, Aug 5, 2010 at 2:59 PM

My client will not be in town as I told you previously. I may not be in town either as I am trying get an earlier flight. Please reschedule the dates I have given you.

thanks,  
Amy Ghosh

[Quoted text hidden]

Robert Ronne <[rrr55@sbcglobal.net](mailto:rrr55@sbcglobal.net)>  
To: Amy Ghosh <[amyghosh@justice.com](mailto:amyghosh@justice.com)>

Mon, Aug 9, 2010 at 9:27 AM

Amy:

We'll take the depositions of both defendants starting on September 30, 2010.

I'll send you an amended notice.

Thanks, Rob Ronne.

---

# EXHIBIT B

**XYRIS ENTERPRISES, INC. #180**

P.O. BOX 7785  
TORRANCE, CA 90504

Check Date: 9/03/2008

90 -7162  
3222

\*FIVE HUNDRED FORTY NINE DOLLARS \*\*\*\*\*AND \*\*\*\*\*30 CENTS \*

Pay This Amount

\$549.30

Pay To The  
Order Of

EDGARDO SENININO  
220 235TH ST  
CARSON, CA 90745

CBL

WASHINGTON MUTUAL BANK  
HANCOCK PARK FINANCIAL CENTER  
1006  
LOS ANGELES, CA 90010

100 20 18 13 22 27 16 27 100403354 20

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**XYRIS ENTERPRISES, INC.**

P.O. BOX 7785  
TORRANCE, CA 90504

Check # 2022

Check Date: 9/18/2008

90 -7162  
3222

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**XYRIS ENTERPRISES, INC.**

P.O. BOX 7785  
TORRANCE, CA 90504

Check # 2028

Check Date: 10/03/2008

90 -7162  
3222

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**XYRIS ENTERPRISES, INC. #181**P.O. BOX 7785  
TORRANCE, CA 90504

Check # 2031

Check Date: 10/21/2008

90-7162  
3222

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**XYRIS ENTERPRISES, INC.**P.O. BOX 7785  
TORRANCE, CA 90504

Check # 2035

Check Date: 11/04/2008

90-7162  
3222

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CARSON, CA 90745

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TORRANCE, CA 90504

Check # 2039

Check Date: 11/20/2008

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3222

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CARSON, CA 90745

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*mugshot*

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TORRANCE, CA 90504

Check # 2045

Check Date: 12/05/2008

90-7162  
3222**\*FIVE HUNDRED FORTY NINE DOLLARS \*\*\*\*\* AND \*\*\*\*\*30 CENTS \***

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HANCOCK PARK FINANCIAL CENTER  
1006  
LOS ANGELES, CA 90010

C31

*mugel Jr.*

#00 2045# 1322271627# 1004033542#

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**XYRIS ENTERPRISES, INC.**  
P.O. BOX 7785  
TORRANCE, CA 90504

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Check Date: 12/31/2008

90-7162  
3222**\*FIVE HUNDRED EIGHTY FIVE DOLLARS \*\*\*\*\* AND \*\*\*\*\*92 CENTS \***

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1006  
LOS ANGELES, CA 90010

C31

*mugel Jr.*

#00 2053# 1322271627# 1004033542#

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**Employee Reference Copy**  
**W-2 Wage and Tax Statement** **2009**  
OMB No. 1545-0008

**2009 W-2 and EARNINGS SUMMARY**

#183

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail.  
The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2009 pay stub plus any adjustments submitted by your employer.

|                        |       |       |                        |
|------------------------|-------|-------|------------------------|
| Control number<br>0100 | Dept. | Corp. | Employer use only<br>6 |
|------------------------|-------|-------|------------------------|

c Employer's name, address, and ZIP code  
**XYRIS ENTERPRISE INC**  
17035 ATKINSON AVE  
TORRANCE, CA 90504

Batch #00299

e/f Employee's name, address, and ZIP code

**EDGARDO SEMINIANO**  
220 235TH ST  
CARSON, CA 90745

|  |   |
|--|---|
| b Employer's FED ID number<br>20-1691785 | a Employee's SSA number<br>593-25-3058              |
| 1 Wages, tips, other comp.<br>4220.00    | 2 Federal income tax withheld<br>40.00              |
| 3 Social security wages<br>4220.00       | 4 Social security tax withheld<br>261.64            |
| 5 Medicare wages and tips<br>4220.00     | 6 Medicare tax withheld<br>61.19                    |
| 7 Social security tips                   | 8 Allocated tips                                    |
| 9 Advance EIC payment                    | 10 Dependent care benefits                          |
| 11 Nonqualified plans                    | 12a See instructions for box 12                     |
| 14 Other<br>4642 CASDI                   | 12b<br>12c<br>12d                                   |
| 15 State<br>CA                           | 16 State wages, tips, etc.<br>243-2015-2<br>4220.00 |
| 17 State income tax<br>8.48              | 18 Local wages, tips, etc.                          |
| 19 Local income tax                      | 20 Locality name                                    |

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

| Gross Pay                                | 4220.00 | Social Security Tax Withheld<br>Box 4 of W-2 | 261.64 | CA. State Income Tax<br>Box 17 of W-2<br>SUI/SDI<br>Box 14 of W-2 | 8.48  |
|--|---------|--|--------|---|-------|
| Fed. Income Tax Withheld<br>Box 2 of W-2 | 40.00   | Medicare Tax Withheld<br>Box 6 of W-2        | 61.19  |   | 46.42 |

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dep

**EDGARDO SEMINIANO**  
220 235TH ST  
CARSON, CA 90745

Social Security Number: 593-25-3058

Taxable Marital Status: MARRIED

Exemptions/Allowances:

FEDERAL: 3  
STATE: 3

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— Fold and Detach Here —

|                                       |  |
|---------------------------------------|--|
| 1 Wages, tips, other comp.<br>4220.00 | 2 Federal income tax withheld<br>40.00   |
| 3 Social security wages<br>4220.00    | 4 Social security tax withheld<br>261.64 |
| 5 Medicare wages and tips<br>4220.00  | 6 Medicare tax withheld<br>61.19         |
| d Control number<br>0100              | Dept.                                    |
| E2/E4Y                                | Corp.                                    |
| Employer use only<br>6                |  |

c Employer's name, address, and ZIP code

**XYRIS ENTERPRISE INC**  
17035 ATKINSON AVE  
TORRANCE, CA 90504

|   |  |
|---|--|
| b Employer's FED ID number<br>20-1691785  | a Employee's SSA number<br>593-25-3058 |
| 7 Social security tips                    | 8 Allocated tips                       |
| 9 Advance EIC payment                     | 10 Dependent care benefits             |
| 11 Nonqualified plans                     | 12a See instructions for box 12        |
| 14 Other<br>4642 CASDI                    | 12b<br>12c<br>12d                      |
| 13 Stat emp./Ret. plan/3rd party sick pay |  |

e/f Employee's name, address and ZIP code

**EDGARDO SEMINIANO**  
220 235TH ST  
CARSON, CA 90745

|                             |                                       |                                       |
|-----------------------------|---------------------------------------|---------------------------------------|
| 15 State<br>CA              | Employer's state ID no.<br>243-2015-2 | 16 State wages, tips, etc.<br>4220.00 |
| 17 State income tax<br>8.48 | 18 Local wages, tips, etc.            |                                       |
| 19 Local income tax         | 20 Locality name                      |                                       |

|                                       |  |
|---------------------------------------|--|
| 1 Wages, tips, other comp.<br>4220.00 | 2 Federal income tax withheld<br>40.00   |
| 3 Social security wages<br>4220.00    | 4 Social security tax withheld<br>261.64 |
| 5 Medicare wages and tips<br>4220.00  | 6 Medicare tax withheld<br>61.19         |
| d Control number<br>0100              | Dept.                                    |
| E2/E4Y                                | Corp.                                    |
| Employer use only<br>6                |  |

**XYRIS ENTERPRISE INC**  
17035 ATKINSON AVE  
TORRANCE, CA 90504

|   |  |
|---|--|
| b Employer's FED ID number<br>20-1691785  | a Employee's SSA number<br>593-25-3058 |
| 7 Social security tips                    | 8 Allocated tips                       |
| 9 Advance EIC payment                     | 10 Dependent care benefits             |
| 11 Nonqualified plans                     | 12a                                    |
| 14 Other<br>4642 CASDI                    | 12b<br>12c<br>12d                      |
| 13 Stat emp./Ret. plan/3rd party sick pay |  |

e/f Employee's name, address and ZIP code

**EDGARDO SEMINIANO**  
220 235TH ST  
CARSON, CA 90745

|                             |                                       |                                       |
|-----------------------------|---------------------------------------|---------------------------------------|
| 15 State<br>CA              | Employer's state ID no.<br>243-2015-2 | 16 State wages, tips, etc.<br>4220.00 |
| 17 State income tax<br>8.48 | 18 Local wages, tips, etc.            |                                       |
| 19 Local income tax         | 20 Locality name                      |                                       |

|                                       |  |
|---------------------------------------|--|
| 1 Wages, tips, other comp.<br>4220.00 | 2 Federal income tax withheld<br>40.00   |
| 3 Social security wages<br>4220.00    | 4 Social security tax withheld<br>261.64 |
| 5 Medicare wages and tips<br>4220.00  | 6 Medicare tax withheld<br>61.19         |
| d Control number<br>0100              | Dept.                                    |
| E2/E4Y                                | Corp.                                    |
| Employer use only<br>6                |  |

**XYRIS ENTERPRISE INC**  
17035 ATKINSON AVE  
TORRANCE, CA 90504

|   |  |
|---|--|
| b Employer's FED ID number<br>20-1691785  | a Employee's SSA number<br>593-25-3058 |
| 7 Social security tips                    | 8 Allocated tips                       |
| 9 Advance EIC payment                     | 10 Dependent care benefits             |
| 11 Nonqualified plans                     | 12a                                    |
| 14 Other<br>4642 CASDI                    | 12b<br>12c<br>12d                      |
| 13 Stat emp./Ret. plan/3rd party sick pay |  |

e/f Employee's name, address and ZIP code

**EDGARDO SEMINIANO**  
220 235TH ST  
CARSON, CA 90745

|                             |                                       |                                       |
|-----------------------------|---------------------------------------|---------------------------------------|
| 15 State<br>CA              | Employer's state ID no.<br>243-2015-2 | 16 State wages, tips, etc.<br>4220.00 |
| 17 State income tax<br>8.48 | 18 Local wages, tips, etc.            |                                       |
| 19 Local income tax         | 20 Locality name                      |                                       |

**CA. State Reference Copy**  
**W-2 Wage and Tax Statement** **2009**  
OMB No. 1545-0008

**CA. State Filing Copy**  
**W-2 Wage and Tax Statement** **2009**  
OMB No. 1545-0008

E4Y

#184

**Earnings Statement**

XYRIS ENTERPRISES, INC.  
P.O. BOX 785  
TORRANCE, CA 90504

Pay Period: 12/16/2008 to 12/31/2008  
Pay Date: 12/31/2008  
Check #: 2053

Employee Number: 0100  
Department Number:  
Social Security Number: XXX-XX-3058  
Marital Status: MARRIED  
Number Of Allowances: 03

EDGARDO SEMINIANO  
220 235TH ST  
CARSON, CA 90745

| Hours and Earnings |       |        |             |              | Taxes and Deductions |             |              |
|--------------------|-------|--------|-------------|--------------|----------------------|-------------|--------------|
| Description        | Hours | Rate   | This Period | Year-To-Date | Description          | This Period | Year-To-Date |
| REGULAR            | 80.00 | 8.0000 | 640.00      | 5480.00      | FICA                 | 48.96       | 419.22       |
|                    |       |        |             |              | CA DIS               | 5.12        | 43.84        |

| Gross Pay | Year To Date | Gross Pay This Period | Total Deductions This Period | Net Pay This Period |
|-----------|--------------|-----------------------|------------------------------|---------------------|
| \$5480.00 |              | \$640.00              | \$54.08                      | \$585.92            |

# EXHIBIT C

MONTH &amp; YEAR: MAY 2003

#186

EMPLOYEE'S NAME: EDDIE SEMINIANO

## TIME SHEET

FACILITY: ATKINSON (AK)  
SSN:

| DAY | 1 <sup>st</sup> shift |          | 2 <sup>nd</sup> shift |          | 3 <sup>rd</sup> shift |          | Other      |          | TOTALS      |           |
|-----|-----------------------|----------|-----------------------|----------|-----------------------|----------|------------|----------|-------------|-----------|
|     | TIME IN               | TIME OUT | TIME IN               | TIME OUT | TIME IN               | TIME OUT | TIME IN    | TIME OUT | Total Hours | REG HOURS |
| SUN |                       |          |                       |          |                       |          |            |          |             |           |
| MON |                       |          |                       |          |                       |          |            |          |             |           |
| TUE |                       |          |                       |          |                       |          |            |          |             |           |
| WED |                       |          |                       |          |                       |          |            |          |             |           |
| THU | 1                     | 11 AM    | 1 PM                  |          |                       |          |            |          |             | 8         |
| FRI | 8                     | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| SAT | 3                     | 2 PM     | 10 PM                 |          |                       |          |            |          |             | 24 192    |
|     | Total this week       |          | 24                    |          |                       |          |            |          |             |           |
| SUN | 4                     | 3 PM     | 10 PM                 |          |                       |          |            |          |             | B         |
| MON | 5                     | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| TUE | 6                     | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| WED | 7                     | 2 PM     | 10 PM                 |          |                       |          |            |          |             | 40        |
| THU | 8                     | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| FRI | 9                     | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| SAT | 10                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
|     | Total this week       |          | 24                    |          |                       |          |            |          |             | 36 = 448  |
| SUN | 11                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | A         |
| MON | 12                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| TUE | 13                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| WED | 14                    | 2 PM     | 10 PM                 |          |                       |          | \$ 1700 mo | 22 day   | 18 hrs      | 40        |
| THU | 15                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| FRI | 16                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| SAT | 17                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
|     | Total this week       |          | 24                    |          |                       |          | \$ 1700    | 22 day   | 18 hrs      | 448       |
| SUN | 18                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | X         |
| MON | 19                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| TUE | 20                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| WED | 21                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| THU | 22                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| FRI | 23                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| SAT | 24                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
|     | Total this week       |          | 24                    |          |                       |          |            |          |             | 448       |
| SUN | 25                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | X         |
| MON | 26                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| TUE | 27                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| WED | 28                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| THU | 29                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| FRI | 30                    | 2 PM     | 10 PM                 |          |                       |          |            |          |             | "         |
| SAT | 31                    | DAY      | OFF                   |          |                       |          |            |          |             | "         |
|     | Total this week       |          | 24                    |          |                       |          |            |          |             | 448       |
|     | TOTAL THIS MONTH      |          | 2400                  |          |                       |          |            |          |             | 448       |
|     | TOTAL MONTHLY PAY     |          | 1680                  |          |                       |          |            |          |             | 448       |

Under penalties of perjury, I declare that the above hours entered are true, correct and complete. I also declare that I have reported all work-related injuries and illnesses that may have occurred during employment with this facility and I am not aware of any symptoms or illnesses or injury resulting from my employment at this facility this month.

Rec'd the amt. of \$ 1650 -

APPROVED:

Manager/Administrato

Employee's Signature:

Date 6-4-03

Note: A paycheck will not be issued unless this form is thoroughly completed, dated and signed.

1.00 / mo  
1/2 day \$ 8 / hr.  
1.5 hr 76

# EXHIBIT D

**POLICY**  
**RE: WAGES NOT PAID IN MONEY**

I hereby agree in the course of my employment with  
St. Louis Care Home, that I am voluntarily accepting "IN KIND WAGES" in lieu of cash for lodging, food, telephone and other miscellaneous expenses. These "In Kind Wages" are valued in the amount of 1800/mo. per week/month. This is in addition to my normal 40 hours work schedule and any overtime work.

*Employee:*

E. SGRIGNANIO  
*Danew*  
(Please print name)  
Date: 6-15-03

*Employer:*

Doug M.

Date: